primary education and we are also very anxious to see that as many pre-primary institutions as possible come into being, but for the present Government is not in a position to spend on that. We are already spending Rs. 36 crores on education. If Government is to start pre-primary schools also, it may require another Rs. 20 to 25 crores. That is impossible as the hon. member knows. Therefore we are taking all steps possible to see that as many pre-primary institutions as possible come into existence all over the State.

Smt. M. R. LAKSHAMMA.—Since these nursery schools are imposing a fairly heavy fee for each child and since our Government is a welfare State aiming at bringing the benefits of education to the lower middle and the poor classes and since Mr. Sastry says that it is incumbent on the pre-primary institutions to admit 20 per cent students free of fees, will the Minister examine whether there is such a rule and if there is such a rule will he take steps through the Department to see that it is enforced and 20 per cent of the students are admitted free of fees from poor families in lieu of the grants given to them ?

[*No Answer*]

Industrial Disputes

67. Sri M. C. NARASIMHAN (Legislative Assembly Constituency).—

Will the Minister for Labour and Animal Husbandry, Fisheries and Sericulture be pleased to state :—

(*a*) whether there are a number of instances since 1st April 1966 in which the Government have refused to refer industrial disputes to adjudication under the Industrial Disputes Act ; it so, the number of such refusals ;

(*b*) the number of such refusals wherein the Commissioner of Labour or the Conciliation Officer had recommended the disputes for reference but the Government had refused to refer ;

(*c*) if so, the reasons for the refusal to so refer and to differ from the Commissioner of Labour or the Conciliation Officer in each of the said cases ?

A.—Sri D. DEVARAJ URS (Minister for Labour, Animal Husbandry, Fisheries and Sericulture).—

(*a*) (1) Yes.

(2) The number of such rejections is 436.

(*b*) 36.

(*c*) Reasons have been given in each case through endorsements. The parties are in possession of these endorsements.

ಉತ್ತರದಲ್ಲಿ 436 ಎಂದು ಇರುವುದನ್ನು 464 ಎಂದು ತಿದ್ದಿಕೊಳ್ಳಬೇಕು.

Sri M. C. NARASIMHAN.—I have got a representation to make. In answer to (*c*) it is stated that "reasons have been given in each case through endorsements. The parties are in possession of these endorsements." But my question is, "if so, the reasons for the refusal to so refer and to differ from the Commissioner of Labour or the Conciliation Officer in each of the said cases ?" Why the Government chose to differ from the Conciliation Officer who is supposed to make a report, is not covered by the answer to (*c*). Unless that is furnished, it is difficult to ask any supplementaries.

Sri D. DEVARAJ URS.—With regard to the point raised that Government should give reasons in the form of answers, I am afraid it cannot be given. The whole question is left to the discretion of Government either to refer or to reject. Out of these 464 cases of rejection, not all are rejected because Government did not like to refer. Among them, 226 cases were withdrawn by the parties concerned and only 238 cases have been rejected. Out of these 238 cases, 36 cases have been rejected, though as already stated in the answer the concerned lower officers either the Assistant Labour Commissioner or the Labour Commissioner had recommended, and even among these 36 cases about 16 to 28 cases were not recommended by the Labour Commissioner though the Assistant Labour Commissioner had recommended them. It is impossible for me physically also to give reasons and those reasons need not be given here because as I have submitted, this matter is a matter of discretion given by law to the concerned Government either to reject or to refer. What the law provides is that in case a case is to be rejected the Goverment has to give reasons.

Sri J. B. MALLARADHYA.—What steps have Government taken for implementing the Award of the Journalists' Wage Board or Non-Journalists' Wage Board Award by the Centre ? Is it not treated as industrial dispute ?

Sri D. DEVARAJ URS.—Let him put a different question. I do not think that that question arises out of this question.

Sri J. B. MALLARADHYA.—I seek the protection of the Chair.

Mr. CHAIRMAN.—When the Hon'ble Minister suggests a different question being put, the Hon'ble Member has to accept it.

Sri V. SRINIVASA SHETTY.—What is the difficulty in giving reasons for differing from the Commissioner of Labour ?

Sri D. DEVARAJ URS.—This information has been given to the concerned parties.

Sri V. SRINIVASA SHETTY.—Is not this House entitled to judge whether the reasons given by Government are justified or not ?

Sri D. DEVARAJ URS.—I am sorry, Sir. This House is not entitled to judge these things because it is purely passed by virtue of the discretion vested in the Government under law.

Sri V. SRINIVASA SHETTY.—Is not this House entitled to th nformation ?

Sri D. DEVARAJ URS.—The information that so many cases have been rejected and so many have been referred, has been given.

Sri V. SRINIVASA SHETTY.—This House desires to know why there was difference between the Labour Commissioner and the Government in referring disputes ?

Sri D. DEVARAJ URS.—That is a confidential document and it cannot be given.

Sri M. C. NARASIMHAN.—My question is, whether this House is not entitled to know how the discretionary power is exercised by the Government because it is a matter of policy, as I wish to explain presently ; unless the Chair gives a ruling that we are not entitled to know. We want to know the reasons for Government differing from the Commissioner of Labour. Of course, I will proceed with my supplementaries. I believe that this House is entitled to the information, namely, why in particular case the Government differed from the Commissioner of Labour or the Head of the Department or the originating Officers. Since it is a matter of policy, the House is entitled to know the reasons. If they are not disclosed, it is a matter touching upon the privilege of the House.

Sri D. DEVARAJ URS.—I already submitted that whenever the Government rejects or refers an industrial dispute for adjudication, the law gives discretion to the Government either to reject or refer a case. So, in the exercise of that discretion, Government takes whatever stand it considers right under particular circumstances. If the Hon'ble Member's contention is that the House has the right to go into each question of rejection and reference and to know the reasons for their rejection or reference, I am afraid no such thing is contemplated under the law. Moreover, whenever a subordinate officer or the Head of the Department, whoever it is, recommends either for rejection or for adjudication, all those papers are confidential documents which are to be used only by the Government for the Government and Government can take whatever decision it wants. They are after all reports from Officers making recommendations. Nowhere is it stated that the Government should automatically accept them. It might so happen that while making those reports, the Officers might not have properly looked into several aspects and might have overlooked so many points due to so many reasons. Government, in its wisdom, takes a particular decision and that in accordance with law which gives discretion to Government.

2-45 P.M.

Sri V. SRINIVASA SHETTY.—The only point now is, whether this House is not entitled to know why this discretion is exercised by the Government and whether it has been exercised properly. When responsible officers pass an order or send recommendation, in favour of reference and Government has come to adverse decision, is not this House entitled to know the reasons for differing from them ? That is all.

Sri D. DEVARAJ URS. –No. If in individual cases, the House desires to have information with regard to the reasons on which the Government took the decision, that request will be considered. It is never, never possible for us to say in all cases why we differed from a particular officer or the subordinate in his recommendation. His report is purely for the consumption of the Government and I cannot disclose here their reasons and Government's reasons. I can only give to the House the final reasons on which the Government came to the final decision.

Sri V. SRINIVASA SHETTY.—Is it the contention of the hon'ble Minister that since law has given him power, we are not entitled to know the reasons for exercising the discretion in a particular manner?

Sri D. DEVARAJ URS.—When I have already answered this question, where is the meaning in asking the same question again and again. Is it not within my power to exercise the discretion vested under law?

Sri M. C. NARASIMHAN.—When the Labour Commissioner makes a recommendation in some cases for reference to adjudication, he makes it on certain basis. It is not as if that he will not have assigned reasons before making a recommendation to the authority concerned. It is made by the Head of the Department. We are not asking that the confidential report of the Commissioner should be placed on the Table of the House. What we are asking is, why not the Government inform this House as regards what made them to excercise their discretion in a particular manner, differing from the recommendation of the Head of the Department? Even regarding the question of land grants, questions are asked as to why Government differed from the recommendations of the Government; even there Government have discretionary power; still they are asked to explain and give reasons for differing from the Deputy Commissioner and other officers. As a matter of fact, there are umpteen cases and instances where Government have exercised their discretionary power and this House has questioned them and Government have assigned reasons. If the Hon'ble Minister says that the Government's discretion cannot be questioned and this House is not entitled to have information regarding the basis on which the Government has exercised its discretion in a particular manner, it is completely an untenable stand and that will be taking away the rights of this House.

Sri J. B. MALLARADHYA.—Apart from the quasi-judicial orders, I wish to know, is it part of the formal procedure in administration to give information about any report made to the Government by any person at any stage? Because it cuts at the very roots of the administration if every intermediate report was disclosed. No Government can carry on the administration at this rate, if it is the formal procedure.

Sri M. C. NARASIMHAN.—We are not asking for confidential report.

Sri D. DEVARAJ URS.—If in individual cases where Government has rejected reference to adjudication and where those particular reasons have been given in writing to the parties concerned, information is required, I have no objection. But my Hon'ble friend wants to go into every one of these 36 cases and wants to know what are the recommendations of the Head of the Department and others, and put them in juxtaposition with the decision taken by the Government and wants to make distinction between the Head of the Department and the Government, and between the Government and the Secretary to Government. So, I feel that Hon'ble Member Mr. Mallaradhya is correct in pointing out that this becomes the most unhealthy precedent and no Government can function at this rate.

Sri V. SRINIVASA SHETTY.—Sir, to one question the Minister was pleased to say that the matter is confidential. When the matter is communicated to the parties, how can that be considered to be confidential and not to be communicated to the House, Sir?

Sri D. DEVARAJ URS.—Sir, I should like the hon'ble member to know the procedure and methods in which these things are dealt with and I am prepared to inform him. Whenever there is an industrial dispute, the officer who has been given the power to intervene who is called the Conciliation Officer, takes up the matter and sends the results of the conciliation to Government through the Labour Commissioner. The Labour Commissioner sends his report with his recommendation. What I said was, the recommendation made by the Labour Commissioner and the Conciliation Officers are confidential. So far as reasons given by Government at the time of rejecting a reference of a particular dispute is not confidential because it is already given to the parties. That information can be placed on the table of the House if the House desires in any particular case.

Sri A. H. SIVANANDASWAMY.—Will the Government be pleased to state whether rejection of these 36 cases were made having taken into consideration article 43 of the Constitution which reads :

> "The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities....."

Has the Government considered all these things and decided Sir?

ಶ್ರೀ ಡಿ. ದೇವರಾಜ ಅರಸ್.—ಯಾವುದಕ್ಕೆ ಯಾವುದು ಸಂಬಂಧ ಎಂದು ಕಾಣುವುದಿಲ್ಲ. ರಾಜ್ಯಾಂಗದ ಪ್ರಕಾರ ಕೊಡಬೇಕಾದ ಅನುಕೂಲತೆಗಳನ್ನು ಮತ್ತು ಸೌಕರ್ಯಗಳನ್ನು ಕೊಡುವುದ ಕ್ಕಾಗಿ ಅನೇಕ ಕಾನೂನುಗಳನ್ನು ಮಾಡಿದ್ದಾರೆ. ಆ ಕಾನೂನು ಪ್ರಕಾರ ಕೊಟ್ಟುಕೊಂಡು ಹೋಗುತ್ತಿದ್ದಾರೆ. ಎಲ್ಲಿ ಕೊಡುವುದಿಲ್ಲವೋ ಅಲ್ಲಿ ಜಗಳ ಎಂದರೆ ಇಂಡಸ್ಟ್ರಿಯಲ್ ಡಿಸ್‌ಪ್ಯೂಟ್ ಬರುತ್ತದೆ. ಇಂಥ ಜಗಳಗಳು ಬಂದಾಗ ಕಾನೂನು ಪ್ರಕಾರ ಯಾವ ರೀತಿ ತೀರ್ಮಾನ ಮಾಡ ಬೇಕೆಂಬುದಕ್ಕೆ ಬೇರೆ ಕಾನೂನು ಇದೆ; ಪ್ರೊಸೀಜರ್ ಮತ್ತು ರೂಲ್ಸ್ ಇವೆ. ಅದರ ಪ್ರಕಾರ ನಡೆಸಿಕೊಂಡು ಹೋಗುತ್ತಾರೆ. ಮಾನ್ಯ ಸದಸ್ಯರಿಗೆ ಏನು ಮಾಹಿತಿ ಬೇಕು ಎನ್ನುವುದು ಗೊತ್ತಾಗ ಲಿಲ್ಲ. ಅವರು ಏನು ಮಾಹಿತಿ ಬೇಕು ಎಂದು ಕೇಳುತ್ತಾರೆಯೋ ಅದನ್ನು ಹೇಳುವುದಕ್ಕೆ ನಾನು ಸಿದ್ಧನಾಗಿದ್ದೇನೆ. ಅದಕ್ಕೆ ಪ್ರತ್ಯೇಕ ಪ್ರಶ್ನೆಯನ್ನು ಕೇಳಿದರೆ ಉತ್ತರವನ್ನು ಒದಗಿಸಬಹುದು.

Sri M. C. NARASIMHAN.—Sir, out of these 436 you say 238 are rejected by Government since 1st April 1966. Is it not a very large number when compared with the previous years ?

Sri D. DEVARAJ URS.—Sir, in 1966, 108 cases have been rejected; in 1967, 130 have been rejected; the difference is obvious.

Sri M. C. NARASIMHAN.—I said prior to 1966.

Sri D. DEVARAJ URS.—I do not have figures. May be, a number of disputes might have come up and may be, the rejections may be more by a margin of 10 or 15.

Sri V. SRINIVASA SHETTY.—Is this large number of rejection due to the stiffer attitude taken by the Government ?

Sri D. DEVARAJ URS.—Sir, when Government is using its discretion, I can straight away state that it is not the intention of the Government to unnecessarily take an attitude of rejecting every case, because by and large Government is sympathetic to labour. When there are certain issues involved and when Government considers so many decisions taken from time to time in regard to similar cases, it considers all these aspects and then takes a decision either to refer or reject. At the same time, mere automatic reference was the intention, the law would have been on the point and would not have given discretion to Government. Mere reference in every case is not conductive to the healthy growth of industrial relationship also.

Maintenance of gardens

68. Sri A. H. SIVANANDA SWAMY (Legislative Assembly Constituency).—

Will the Minister for Agriculture and Education be pleased to state :—

(*a*) who is maintaining the gardens in the compound of each Ministers residence;

(*b*) the expenditure and income by such gardens;

(*c*) the total amount of fertilisers supplied to each garden each year since 1962 ?

A.—Sri K. V. SHANKARA GOWDA (Minister for Agriculture and Education).—

(*a*) Department of Horticulture.

(*b*) and (*c*) Statement appended.